

IN THE HIGH COURT OF BOMBAY AT GOA

SUO MOTO CRIMINAL CONTEMPT PETITION NO. 1 OF 2005

Versus

SHRI VISHWANATH BALARAM NAIK

....Respondents

Shri Sudesh Usgaonkar, Advocate For The Respondents No.1 And 2.

Shri S.r. Rivonkar, Government Advocate For The Respondent No.3.

Coram:- S.S. PARKAR &
V.M. KANADE, JJ.

Date:- 27th June, 2005

P.C.:

Heard. Perused the Affidavits of the Respondents No.1 and 2, both dated 20th June, 2005. The statement in para 14 of the Writ Petition is sought to be explained by stating that the petition was verified by Respondent No.2 who had given instructions to his lawyer while his father (Respondent No.1) was away in Mumbai at the relevant time. The respondent No.2 was not aware about the show cause notice issued on 29th December, 2004 and the Reply thereto dated 12.1.2004 filed by the Respondent No.1, who was at the relevant time in Mumbai. Since there was urgency in the matter, it was the respondent No.2 who had gone to instruct the Advocate for filing the petition and gave instructions to him as per his knowledge about the matter. Since he was not aware about the show cause notice dated 29.12.2004 and the reply filed by the Respondent No.1, the same was not informed to the lawyer and therefore it was not mentioned in the petition. It is stated that in the above circumstances, the omission was not intentional.

We accept the said explanation and in view of the said explanation,

Contempt proceedings initiated against the Respondents No.1 and 2 are dropped.

The petition shall stand disposed of accordingly.

S.S. PARKAR, J.

V.M. KANADE, J.